

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

KEWAZINGA CORP.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:20-cv-1106-LGS

**DECLARATION OF DANIEL FILIP IN SUPPORT OF GOOGLE LLC'S MOTION FOR
SUMMARY JUDGMENT OF EQUITABLE ESTOPPEL**

DECLARATION OF DANIEL FILIP

I, Daniel Filip, declare as follows:

1. I am a Principal Engineer at Google and have been employed at Google since February 27, 2006.

2. The matters set forth herein are within my personal knowledge and if sworn as a witness I could competently testify regarding them.

3. When I began work at Google in 2006, I was the first full-time employee and the first software engineer at Google working on the Cityblock project, which was renamed “Street View” with its official launch at Google. Prior to my involvement, Cityblock was a Google “20% project”—a project that Google employees worked on alongside their full-time jobs and to which they dedicated only 20% of their time.

4. Larry Page, a founder of Google, had the original idea of capturing street-level imagery. In 2002, using a camera and his car, Mr. Page captured video of streets while driving around the Bay Area in California. Mr. Page took this footage to Professor Marc Levoy at Stanford University to see if Professor Levoy had interest in collaborating with Google on a street-level imagery project.

5. Using Mr. Page’s footage as inspiration, Professor Levoy began the Cityblock project, which was funded by Google. Augusto Roman, a PhD candidate at the time, was one of the original members of the team. The goal of the project was to capture imagery to be used in web-based applications that would allow users to take virtual tours of cities. As part of that project, the Stanford team developed a modified pickup truck capable of capturing street-level imagery. In 2005, the Cityblock project began to transition internally to Google and Google worked

alongside members of the Stanford team. By early 2006, the transition of the Cityblock project from Stanford to Google was complete.

6. When I began working on Cityblock at Google in 2006, I worked with Augusto Roman, who was a part-time intern at Google. Attached as **Exhibit 1** is a slide deck that Augusto Roman and the Stanford team presented at Google in November of 2002.

7. As shown in Exhibit 1, the original concept for using imagery within maps to allow users to virtually explore a location was being developed by Google since at least 2002. For example, the slide deck describes the “Goal” of the project is to “obtain a useful representation for viewing an entire commercial city block;” describes that the technology can be used in “Web-based map finders” to “[g]et a picture of the place you want to go;” and describes additional use as providing “[v]irtual tours.” Ex. 1 at -1148. The slide deck shows how the Cityblock team chose to focus on “image-based representations” to view city blocks. *Id.* at -1154. The Cityblock team described several issues that the team was addressing in capturing street-level imagery, including issues displaying imagery in a perspective that would “give the impression that the viewer is standing right in front of the store,” whether “fish-eye lenses” could be used, and how to convey the presence of buildings both vertically and horizontally. *Id.* at -1157–1161. The slide deck describes the approach the team was taking in 2002 by using “a panning video of street block[s]” to provide glide projections for a user. *Id.* at -1164. It further shows how imagery was already being captured by mounting a camera to the back of a truck on Sunday mornings in Mountain View, California, using Sony cameras. *Id.* at -1167. Further, the slide deck shows the results the team had accumulated at the time. *Id.* at -1169–1172. The presentation goes on to discuss the logistical issues of mapping the “~2.4 million miles of paved road in the US,” and the team

estimated it would require “100 days worth of driving time to capture the entire commercial US.” *Id.* at -1188. In 2002, Google was planning for nationwide street coverage of online virtual tours.

8. In the 2006–2007 timeframe, I was the lead software engineer for the imagery pipeline on the Cityblock project. That pipeline involved the processing of raw pixels into 360-degree panoramic imagery. By May 2006, I had begun work on the software for stitching imagery into 360-degree panoramas. Today, Street View imagery is still displayed as 360-degree panoramas in large part due to my initiative.

9. In 2006, other companies were developing similar technology and, when Google first launched Street View in 2007, it licensed imagery for several cities from a company called Immersive Media.

10. Google launched Street View on May 25, 2007.

11. Prior to the lawsuit in 2013 between Kewazinga and Google, I had never heard of Kewazinga Corporation, K Licensing, or Visage-HD (collectively, “Kewazinga”).

12. I was a lead engineer on Google’s development of Street View imagery, and the first employee at Google dedicated full time to that project. Had Google partnered with other companies to develop the imagery technology underlying Street View prior to its launch, or incorporated technology from other companies prior to Street View’s launch, I would have known about that as part of my role. To my knowledge, no one on the team that was developing Street View was in contact with Kewazinga prior to the launch of Street View, and no one on the team that was developing Street View incorporated any ideas or concepts that originally came from Kewazinga.

13. As part of this lawsuit, I have reviewed an email with an attachment that Kewazinga sent to Google employees in 2006, attached hereto as **Exhibit 2**. I understand that, in 2005 and

2006, the same or similar materials were sent to then-Google employees Tim Armstrong, Jennifer Blakely, Robert Macdonald, David Lee, Jill Szuchmacher, and Jennifer Feikin. None of those individuals were involved in the development of Street View. The individuals that were involved in the development of Street View did not receive the information contained in Exhibit 2.

14. Nothing contained within Exhibit 2 was used to develop or otherwise influence Google Street View. In 2002, Google had invested in CityBlock and was already developing and capturing the street-level imagery. *See* Ex. 1 at -1169–1172.

15. By June 2006, when Google received Exhibit 2—which discusses at a very high-level “a revolutionary on-the-ground extension for Google Earth and Google Maps that allows viewers to dynamically explore world environments as through [sic] they were physically there”—I had already developed stitching software at Google for 360-degree panoramic imagery captured by the Street View team. *See* Ex. 2 at -12. I developed the stitching software, never having seen Exhibit 2 and never having heard of Kewazinga.


16. Although Exhibit 2, discusses “[m]iniaturized systems mounted on vehicles . . . giving armchair travelers the ability to experience the sights and sounds of live or prerecorded environments as though they were there,” Google was already planning for capturing imagery as of 2002, as seen in Exhibit 1, which discusses a “representation for viewing an entire commercial city block” for use in “[w]eb-based map finders” and “[v]irtual tours.” *Compare* Ex. 2 at -15 with Ex. 1 at -1148. In 2002, CityBlock was capturing images with a Sony camcorder mounted on a tripod in the bed of a truck. Ex. 1 at -1167. Further, Google was planning for nationwide coverage in 2002. Ex. 1 at -1188.

17. Nothing contained in Exhibit 2, including the language under the section labeled “Kewazinga Patents” (Ex. 2 at -23), presents anything that would have been novel to Google in

2006 and nothing presented within Exhibit 2 would have given me any information I could have incorporated into Street View. The language under “Kewazinga Patents” contains nothing other than high-level descriptions of Kewazinga’s technology and does not contain the numbers of the patents Kewazinga stated it owned. Ex. 2 at -23.

18. Many of the key individuals that were involved in the original development of Street View, including Augusto Roman, Chris Uhlik, Luc Vincent, and Marc Levoy, are no longer affiliated with Google.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that I executed this declaration on 7/15/2020 in San Jose, CA.

By:  _____

Daniel Filip